

Town of Horicon

Planning Board Minutes

Minutes of April 19, 2006 approved May 17, 2006

Members Present: Chairperson Bill Bruce, Doug Paton, Jim Remington, Ruth Ann Assmann, Steven Smith Absent: Dennis Doyle

Others Present: Counsel to Boards Mark Schachner, Zoning Officer Gary McMeekin, ZBA Chairperson Priscilla Remington, ZBA Member Harry Balz

Guests Present: Brandon Himoff, Chris Johnson, Tom Magee, Erin Hayes, Thomas Ulasewicz, Roberta Clench, Bernie Bolton, Troy Scripture, Donald Alger, Gail Baker, Martin Meade, Ken Dott, Wesley Butler, Kelly Grass, Martin Rice, Linda Hoyt, Dan Smith, Tim Beadnell, Marcus Magee, Jim Peck, Laurie Hughes.

The Public Hearings were called to order at 7:30 PM

Jim Remington recused himself from the Jabe Pond Partners application

File # 2005-04 Tax Map # 89.-1-76, 89.-1-2, 88.-1-15 Jabe Pond Partners LLC seeking a Major Subdivision, parcels located off Jim Younes Rd. Dan Smith, representing the applicants stated that it will take at least another three (3) months to do the cross sections and storm water management plan, requesting that this matter be tabled. All Ayes.

Jim Remington rejoined the board

File # 2006-08 Tax Map # 105.10-2-15 Michael Ferenczi seeking a Conditional Use to place a double wide mobile home on parcel located at 99 Cemetery Rd. Bill Bruce explained that a Conditional Use is needed for this parcel as it is in the Recreational River District (RRD) and if any members of the public or board had any questions or concerns. Being no comments or questions the public hearing was closed.

File # 2006-13 Tax Map # 106.-1- 16.2 Kelly Grass and Martin Rice seeking a Conditional Use to build a home, garage and pole bard on parcel located at 86 Woodridge Dr. Bill Bruce explained that the Town of Horicon Zoning Ordinance lists a single family dwelling in the LC-42.6 acre zone requires a Conditional Use review and asked if any members of the public or board had any questions or concerns. Being no comments or questions the public hearing was closed.

File # 2006-10 Tax Map # 88.-2-5 Brant Lake Storage Inc seeking a Conditional Use to build two (2) additional storage buildings on parcel located at 184 Horicon Ave. Dan Smith representing the applicant stated that the proposal is to build two (2) more storage buildings on this parcel. Jim Remington asked if the boundary line adjustment application submitted will effect the building setback. Dan Smith stated that the new building will meet all required setbacks with or without the boundary line adjustment approval. Bill Bruce stated that the Warren County Planning Board stated No County Impact with the condition that clarification be provided on the plan to address if there is existing or proposed landscaping, lighting or if there are defined entryways to the site. Dan Smith

stated that there is one entryway and not proposed exterior lighting. Being no further comments or questions, the public hearing was closed.

File # 2006-09 Tax Map # 53.-3-58 Stephen and Mary Robertson seeking a 4 lot subdivision on parcel located at the corner of East Schroom River Rd and East Shore Dr. Dan Smith, representing the applicant stated that this is a minor cluster subdivision with three (3) residential and one (1) common lot and no APA permit is required as lot #1 will maintain all of the wetlands. Gary McMeekin stated that the parcels located in this subdivision are all located in the Recreational River District (RRD) and any development on these parcels will need Conditional Use approval. Donald Alger asked if a perc test had been done, where the driveways are proposed and if a home will be built on the river lot. Dan Smith stated that no home is being proposed on the river side, any driveway will need Warren County permits and a perc test have not been done. Being no further comments or questions the public hearing was closed.

Ruth Ann Assman recused herself from the Brant Lake Creek application.

File # 2006-29 Tax Map # 8.7-1-19, 88.7-1-20 Brant Lake Creek LLC seeking a 16 lot subdivision located at 6732 and 6744 State Rte 8. Tom Ulasewicz representing the applicant stated that a Traffic study had been done citing the addition of twenty-eight (28) cars. Jim Remington stated that the neighboring properties right-of-way is not indicated on the map, feels there are too many lots for the area, would like to see eight (8) lots not sixteen (16) and the common area needs to be usable. Tom Ulasewicz stated that the right-of-way access goes through Lot #7, the density requirement is 20,000 sq ft and complies with local and state laws, the lots are adequate size lots and the open space can be used for hiking, horse and snowmobile trails. Linda Hoyt stated that the brook that runs in the spring and fall behind Martin Meade's garage flows into her backyard with a two foot (2') culvert that has no vegetation to slow the water down and would like to know of any plans to control the runoff. Tom Ulasewicz stated that the storm water management plan will be engineered by LA Group. Martin Meade stated that ninety percent (90%) of the water runs into the ground. Linda Hoyt stated that she has photographs of last years runoff and will provide them to the board and the applicant. Tom Ulasewicz stated that drawing L3 shows geotextile fabric that will direct water to State Rte 8 with a culvert. Jim Remington stated that the runoff into Meade's property will need to be taken into consideration. Tom Ulasewicz stated that the runoff will not disturb the stream. Doug Paton stated that he would like to see the photograph, have the Town Engineer look at the storm water runoff, would like to see fewer lots even though this plan complies with the current regulations, would like the common lot to be where lot #1 is located as the open space is too steep, re-design the lots to be terraced to slow the runoff and states the dock area to be shallow. Tom Ulasewicz stated that the water depth information is on the map and satisfies the requirement. Martin Meade stated that there is no current runoff on the property but if the road is paved there will be runoff. Steven Smith asked if the road will be a Homeowner's Association Road. Tom Ulasewicz stated that it may be a town road in the future. Bill Bruce stated that this project should be reviewed and reported by the Town Engineer, Chazen Companies, requesting that the applicant furnish a check to be put into a escrow account for Town Engineer review. Gary McMeekin stated that the traffic study be forwarded to the NYS DOT. Troy Scripture questioned when the traffic study was done. Bill Bruce stated that the study was done on November 3rd, 2005. Members of the public stated that the traffic in November does not compare with the traffic in July. Steven Smith questioned the applicant as to where the septic and well are on Lot #14, Marietta Meade's house. Tom Magee stated that the well is in the basement and the septic is behind the house. Steven Smith stated he would like to see the dimensions of the septic from the well on Lot #13 as it is not located on the map. Jim Remington made a motion to continue the public hearing, requesting the photos be submitted

showing the runoff and the location of the culvert. 2nd by Doug Paton. All Ayes.

Ruth Ann Assmann rejoined the board.

The Regular Meeting of the Planning Board was called to order by Chairperson Bill Bruce, Ruth Ann Assmann made a motion to approve the minutes as written, 2nd by Doug Paton. All Ayes.

UNFINISHED BUSINESS

File # 2006-08 Tax Map # 105.10-2-15 Michael Ferenczi seeking a Conditional Use to place a double wide mobile home on parcel located at 99 Cemetery Rd. Steven Smith questioned the applicants answer regarding wetlands in the property. Gary McMeekin stated that the APA has flagged the wetlands in the area and this mobile home will not encroach upon on any wetlands. Doug Paton made a motion to approve the Conditional Use, 2nd by Jim Remington. All Ayes.

File # 2006-13 Tax Map # 106.-1- 16.2 Kelly Grass and Martin Rice seeking a Conditional Use to build a home, garage and pole bard on parcel located at 86 Woodridge Dr. After a brief discussion Ruth Ann Assmann made a motion to approve the Conditional Use, 2nd by Jim Remington. All Ayes.

File # 2006-10 Tax Map # 88.-2-5 Brant Lake Storage Inc seeking a Conditional Use to build two (2) additional storage buildings on parcel located at 184 Horicon Ave. After a brief discussion Doug Paton made a motion to approve the Conditional Use, 2nd by Jim Remington. All Ayes.

File # 2006-09 Tax Map # 53.-3-58 Stephen and Mary Robertson seeking a 4 lot subdivision on parcel located at the corner of East Schroon River Rd and East Shore Dr. The SEQRA form was reviewed by the board. Ruth Ann Assmann made a motion to declare a negative declaration, 2nd by Doug Paton. All Ayes. Ruth Ann Assmann made a motion to approve the subdivision, 2nd by Doug Paton. All Ayes.

Ruth Ann Assman recused herself from the Brant Lake Creek application

File # 2006-29 Tax Map # 8.7-1-19, 88.7-1-20 Brant Lake Creek LLC seeking a 16 lot subdivision located at 6732 and 6744 State Rte 8. The board requested the applicant submit the location of the existing septic system and a check payable to the Town of Horicon for \$5,000. for Town Engineer review, also requesting any photos of runoff be submitted along with the culvert location.

Ruth Ann Assmann rejoined the board.

File # 2005-26B Tax Map #89.-1-31, 91.-1-16 Keith Tracy seeking a 8 lot subdivision located on Harris Rd. Dan Smith, representing the applicant stated that they have not received an APA permit and may receive it for the May meeting, requesting this matter be tabled until next month. The application was tabled.

File # 2006-12 Tax Map # 72.5-1-8 Howard Berkowitz (Shultz) seeking a 2 lot subdivision on parcel located at 354 Palisades Rd. The board had questions for Gary McMeekin clarifying the road frontage issue. Steven Smith stated that the ZBA struggled with a similar issue. Gary McMeekin stated that in his opinion Lot A has 453' of road frontage and Lot B has 419' of road frontage as laid out on the map, and the subdivision is not splitting the lots in half. Mark Schachner stated this board deemed the application incomplete seeking the opinion of the frontage issue with the Zoning Administrator, Gary McMeekin. Steven Smith stated that the proposed subdivision for Lot A has 107.83' of road frontage on one side of Palisades road and 411.06' of road frontage with .06 acres of land the other side of Palisades Rd. while Lot B has 400'+ of road frontage all on the lakeside portion of the lot with 18.04 acres of land and that he does agree that the road frontage on the other side of the road should encompass the road frontage requirement. Doug Paton agreed with Steven Smith. Ruth Ann Assman made a motion to deem the application complete and schedule a public hearing, 2nd by Doug Paton. All Ayes.

NEW BUSINESS:

File # 2006-19 Tax Map # 89.-1-39 & 89.-1-38 John Powers and Maureen Johnson seeking a Boundary Line Adjustment for parcels located at 101 and 107 Padanarum Rd. Gary McMeekin stated that these are two (2) non-conforming lots in the LC-42.6 acre zone. Laurie Hughes a realtor involved in the sale of John Powers parcel stated that the Johnson's built a shed years ago that encroached onto the Powers parcel. Ruth Ann Assmann stated that this application does not fall under a boundary line adjustment. Mark Schachner read the boundary line adjustment regulations **Section 5A 4.** *Whenever an applicant proposes to transfer real property to an adjacent property... the remaining acreage must, in all cases, satisfy the minimum lot area requirements of the zoned district wherein the property is situated. A boundary line adjustment may not result in the creation of a non-conforming parcel and a boundary line adjustment may not occur between adjoining property owners whenever the property owner reducing his acreage maintains a non-conforming parcel prior to the proposed adjustment.* Ruth Ann Assmann made a motion to deny the boundary line adjustment as the John Powers is reducing his acreage and is creating a more non-conforming parcel, 2nd by Steven Smith. All Ayes.

File # 2006-28 Tax Map # 88.-2-5 & 88.-2-2.1 Brant Lake Storage Inc. and Bernie Bolton seeking a boundary line adjustment for parcels located on 184 Horicon Ave. Dan Smith, representing the applicant stated that the storage lot of 5 acres would be reduced to 2.34 acres with 200 +/- feet of road frontage and the original lot of 127 +/- acres will in increased an additional 2.78 acres and an additional 300+/- feet of road frontage. Bill Bruce stated that this application does not fall under a boundary line adjustment as this parcel is in the CR-20,000 sq. zone. Mark Schachner read the boundary line adjustment regulations **Section 5A 3.** *A boundary line adjustment may not include the transfer of real property which, by itself, would satisfy the minimum lot requirements in the zoned district where the property is located.* Bill Bruce stated that this is a minor subdivision and SEQRA form will be required. Dan Smith requested that this application be amended to a minor subdivision application, deem the application complete and schedule a public hearing. Ruth Ann Assmann made a motion to deem the minor subdivision complete, schedule a public hearing requesting a SEQRA form be submitted, 2nd by Jim Remington. All Ayes.

File # 2006-01B Tax Map # 106.-1-4 Carol Meyer seeking a 4 lot subdivision on parcel located on Hayesburg Rd. Bill Bruce stated that a SEQRA form will need to be submitted for this application, and as the applicant is not present or represented Bill Bruce made a motion to deem the application incomplete, 2nd by Steven Smith. All Ayes.

REFERRAL:

File # 2006-17 Tax Map # Robert and Ericka Clench seeking a variance from density requirements for a 2 lot subdivision located at 266 Pease Hill Rd. Erin Hayes, representing the applicant stated that the acreage for this lot is 6.9 acres and the applicant would like to create a parcel of 3.6 and 3.3 acres in the R2-5 acre zone. Also stating that the road frontage for each lot exceeds the requirements and both lots will have road frontage on Pease Hill and S. Ike Hayes Rd. Steven Smith stated that the creation of a 1.9 acre lot and a 5 acre lot would be in keeping with the zoning of that area. Erin Hayes stated that the applicant is attempting to create 2 larger parcel in keeping with the character of the neighborhood, also avoiding the stream that runs through the parcel by creating a driveway off of Pease Hill Rd. Ruth Ann Assman stated that she would rather see two, three acre parcels. Ruth Ann made a motion to recommend that the ZBA grant the variance, 2nd by Doug Paton. The board was polled: Ruth Ann Assmann Aye Doug Paton Aye Jim Remington Aye Bill Bruce Aye Steven Smith Nay The motion was passed by majority vote.

There being no further business before this board, Ruth Ann Assmann made a motion to adjourn the meeting, 2nd by Jim Remington, the meeting was adjourned at 9:55 PM.

Respectfully submitted,
Christine Smith-Hayes